

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

HARTFORD INSURANCE COMPANY,

Plaintiff,

Case Number 04-10314-BC

v.

CONSOLIDATED CASES

RICHARD MILLER, SR. and VIRGINIA
MILLER,

Defendants.

-and-

RICHARD MILLER, SR., and VIRGINIA
MILLER,

Plaintiffs,

Case Number 05-10092-BC

v.

HARTFORD INSURANCE COMPANY,

Defendant.

**ORDER GRANTING IN PART HARTFORD INSURANCE COMPANY'S MOTION
FOR PROTECTIVE ORDER AND SCHEDULING DEPOSITION OF ELDON BELTZ**

This matter is before the Court on Hartford Insurance Company's motion for a protective order seeking permission to hold the deposition of its insurance adjustor, Eldon Beltz, on July 26, 2005 at its offices in Grand Rapids, Michigan instead of July 22, 2005, a deadline previously established by the Court at a conference. Hartford states that Beltz is in Connecticut on business and will not return in time for the presently scheduled deposition. The Millers insist that the deposition take place as scheduled.

The original date was fixed during a July 14, 2005 telephone conference with the Court in

which the Millers recounted their difficulties in setting up the deposition: they had attempted to schedule the deposition for four months, and apparently Beltz, an employee of a named party to this action, would not cooperate in accepting service of the subpoena from the Millers' process server. The July 22, 2005 date was chosen, among other reasons, so as not to conflict with the assignment of the umpire in the matter, Daniel White. However, on July 21, 2005, Mr. White informed the Court that the parties' appraisers had not completed their task as set forth in the Court's previous order of June 16, 2005, and Mr. White requested and obtained an extension of thirty days to complete his assignment.

The Court has reviewed Hartford's submissions and agrees that in light of the inability of the umpire to complete his assignment until August, postponement of the deposition until July 26, 2005 is reasonable. However, the Court finds that Hartford's request to hold the deposition at its attorney's office in Grand Rapids, Michigan, which is outside of the Eastern District, is unreasonable under the circumstances.

Accordingly, it is **ORDERED** that Hartford's motion for a protective order [dkt # 25] is **GRANTED IN PART**.

It is further **ORDERED** that the deposition of Eldon Beltz shall take place on or before **Tuesday, July 26, 2005**. Counsel for the Millers may select either their offices in Bay City or Indian River, Michigan at which to conduct the deposition.

It is further **ORDERED** that witness Beltz appear for his deposition in person, at the date, time, and location set forth in the new deposition notice.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 22, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 22, 2005.

s/Tracy A. Jacobs

TRACY A. JACOBS